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Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 23, 2016

H.B. 5529, An Act Concerning Sexual Offender Registration Laws, Residency
Restrictions for Registered Sex Offenders

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch regarding H.B. 5529, *An Act Concerning Sexual Offender Registration Laws, Residency Restrictions for Registered Sex Offenders*. The bill as proposed presents many fiscal, administrative and technical challenges to the Branch.

The Judicial Branch is represented on the Sentencing Commission, which has undertaken a comprehensive study of the sex offender registry system and related issues. It is expected that this study, which is ongoing, will result in legislative recommendations regarding the sex offender registry system. We would respectfully request that the Committee postpone this comprehensive re-write of the sex offender registration statutes until the Commission's report is finalized and disseminated.

We have a number of concerns with various sections of the bill.

Section 9 - The creation of new "tier" offenses and the suggested language will require significant computer changes and resources. To implement these changes numerous data systems will need to be updated internally, as will the data feeds to external stakeholders such as law enforcement.

Section 6 - We would suggest language to clarify that the court's obligation applies only to persons convicted or found not guilty by mental disease or defect for a predicate offense that requires registration as a sex offender.

Section 10 - The definition of "release into the community," in lines 78-97 could be very problematic for the Branch. The proposed language defines this as a release on the predicate offense OR "any subsequent offense that does not require registration." If this same definition applies to the court's obligations under Section 10, it will be nearly impossible for us to accomplish. Also, Section 10 requires us to give notice and forms when releasing into the community anyone with a registration requirement. If that also means that we must give notice and forms to anyone released on a subsequent conviction that does not require registration, it will create a tremendous administrative burden for the courts. To do so, we would need to check each and every person convicted and, prior to releasing any one of them, determine if he or she was ever a registered sex offender, then supply forms if applicable. That would require at least one additional full-time staff person in every court location to conduct such checks and complete such forms with each offender.

Also, as the language about the release into the community requirements for subsequent offenses does not seem to require that the person currently be a registered sex offender, but, rather, that the person was ever subject to registration, it is not known how that information will be found unless the Department of Emergency Services and Public Protection (DESPP) provides the Branch (and other agencies) with some sort of access to data on every person who ever had to register, even if he or she was not currently registered.

Section 12 - The restrictions on the information that can be released pursuant to lines 1241-1268 are also very problematic for the Branch. For example, the language restricts a registrant's "criminal history information concerning any arrest that did not result in conviction...". As written, this section would prevent us from disclosing a pending case of a registered sex offender. We believe the language should be changed so that the restriction applies only to matters that resulted in non-conviction.

Section 45 would restrict a registrant from residing within 1,000 feet of a school or child care center unless the registrant resided at the location prior to October 1, 2016, or the facility is located within 1,000 feet of the registrant's residence on or after October 1, 2016. This section would create substantial issues around approving and finding appropriate housing for the approximate 1,600 registrants. The most likely result would be a significant increase in the number of homeless sex offenders. It would add to the already lengthy waiting list of contracted sex offender housing.

Thank you for the opportunity to provide the Committee with the Judicial Branch's concerns with this bill.